



## 98TH GENERAL ASSEMBLY

### State of Illinois

### 2013 and 2014

### SB3558

Introduced 2/14/2014, by Sen. Toi W. Hutchinson

#### SYNOPSIS AS INTRODUCED:

30 ILCS 105/5.855 new  
625 ILCS 5/3-699.14 new  
720 ILCS 5/10-9  
720 ILCS 5/11-14.1  
720 ILCS 5/11-14.3  
720 ILCS 5/11-18  
720 ILCS 5/36.5-5  
725 ILCS 5/124B-300  
725 ILCS 5/124B-305  
730 ILCS 5/5-9-1.21 new

from Ch. 38, par. 11-18

Amends the Criminal Code of 2012. Imposes an assessment for various human trafficking offenses be collected and distributed in accordance with the Specialized Services for Survivors of Human Trafficking Fund. Amends the Code of Criminal Procedure of 1963. Makes changes concerning forfeiture for individuals convicted of keeping a place of prostitution. Modifies the allocation percentages of moneys and sale proceeds forfeited by individuals convicted of involuntary servitude and trafficking of persons. Amends the Illinois Vehicle Code. Provides that the Secretary may issue special registration plates designated as "Support Survivors of Human Trafficking" license plates. Sets forth registration and fee requirements.

LRB098 20002 JLK 55229 b

CORRECTIONAL  
BUDGET AND  
IMPACT NOTE ACT  
MAY APPLY

FISCAL NOTE ACT  
MAY APPLY

1 AN ACT concerning human trafficking.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The State Finance Act is amended by adding  
5 Section 5.855 as follows:

6 (30 ILCS 105/5.855 new)

7 Sec. 5.855. The Specialized Services for Survivors of Human  
8 Trafficking Fund.

9 Section 10. The Illinois Vehicle Code is amended by adding  
10 Section 3-699.14 as follows:

11 (625 ILCS 5/3-699.14 new)

12 Sec. 3-699.14. Support Survivors of Human Trafficking  
13 license plates.

14 (a) The Secretary, upon receipt of all applicable fees and  
15 applications made in the form prescribed by the Secretary, may  
16 issue special registration plates designated as Support  
17 Survivors of Human Trafficking license plates. The special  
18 plates issued under this Section shall only be affixed to  
19 passenger vehicles of the first division or motor vehicles of  
20 the second division weighing not more than 8,000 pounds. Plates  
21 issued under this Section shall expire according to the

1 multi-year procedure established by Section 3-414.1 of this  
2 Code.

3 (b) The design and color of the special plates shall be  
4 wholly within the discretion of the Secretary. The Secretary  
5 may, in his or her discretion, allow the plates to be issued as  
6 vanity or personalized plates in accordance with Section  
7 3-405.1 of this Code. The Secretary, in his or her discretion,  
8 shall approve and prescribe stickers or decals as provided  
9 under Section 3-412 of this Code.

10 (c) An applicant for the special plate shall be charged a  
11 \$35 fee for original issuance in addition to the appropriate  
12 registration fee. Of this fee, \$20 shall be deposited into the  
13 Specialized Services for Survivors of Human Trafficking Fund,  
14 to be used in accordance with subsections (d), (e), and (f) of  
15 Section 5-9-1.21 of the Unified Code of Corrections, and \$15  
16 shall be deposited into the Secretary of State Special License  
17 Plate Fund, to be used by the Secretary to help defray the  
18 administrative processing costs. For each registration renewal  
19 period, a \$25 fee, in addition to the appropriate registration  
20 fee, shall be charged. Of this fee \$23 shall be deposited into  
21 the Specialized Services for Survivors of Human Trafficking  
22 Fund, to be used in accordance with subsections (d), (e), and  
23 (f) of Section 5-9-1.21 of the Unified Code of Corrections, and  
24 \$2 shall be deposited into the Secretary of State Special  
25 License Plate Fund.

1           Section 15. The Criminal Code of 2012 is amended by  
2 changing Sections 10-9, 11-14.1, 11-14.3, 11-18, and 36.5-5 as  
3 follows:

4           (720 ILCS 5/10-9)

5           Sec. 10-9. Trafficking in persons, involuntary servitude,  
6 and related offenses.

7           (a) Definitions. In this Section:

8           (1) "Intimidation" has the meaning prescribed in  
9 Section 12-6.

10           (2) "Commercial sexual activity" means any sex act on  
11 account of which anything of value is given, promised to,  
12 or received by any person.

13           (3) "Financial harm" includes intimidation that brings  
14 about financial loss, criminal usury, or employment  
15 contracts that violate the Frauds Act.

16           (4) (Blank). "

17           (5) "Labor" means work of economic or financial value.

18           (6) "Maintain" means, in relation to labor or services,  
19 to secure continued performance thereof, regardless of any  
20 initial agreement on the part of the victim to perform that  
21 type of service.

22           (7) "Obtain" means, in relation to labor or services,  
23 to secure performance thereof.

24           (7.5) "Serious harm" means any harm, whether physical  
25 or nonphysical, including psychological, financial, or

1 reputational harm, that is sufficiently serious, under all  
2 the surrounding circumstances, to compel a reasonable  
3 person of the same background and in the same circumstances  
4 to perform or to continue performing labor or services in  
5 order to avoid incurring that harm.

6 (8) "Services" means activities resulting from a  
7 relationship between a person and the actor in which the  
8 person performs activities under the supervision of or for  
9 the benefit of the actor. Commercial sexual activity and  
10 sexually-explicit performances are forms of activities  
11 that are "services" under this Section. Nothing in this  
12 definition may be construed to legitimize or legalize  
13 prostitution.

14 (9) "Sexually-explicit performance" means a live,  
15 recorded, broadcast (including over the Internet), or  
16 public act or show intended to arouse or satisfy the sexual  
17 desires or appeal to the prurient interests of patrons.

18 (10) "Trafficking victim" means a person subjected to  
19 the practices set forth in subsection (b), (c), or (d).

20 (b) Involuntary servitude. A person commits involuntary  
21 servitude when he or she knowingly subjects, attempts to  
22 subject, or engages in a conspiracy to subject another person  
23 to labor or services obtained or maintained through any of the  
24 following means, or any combination of these means:

25 (1) causes or threatens to cause physical harm to any  
26 person;

1           (2) physically restrains or threatens to physically  
2           restrain another person;

3           (3) abuses or threatens to abuse the law or legal  
4           process;

5           (4) knowingly destroys, conceals, removes,  
6           confiscates, or possesses any actual or purported passport  
7           or other immigration document, or any other actual or  
8           purported government identification document, of another  
9           person;

10          (5) uses intimidation, or exerts financial control  
11          over any person; or

12          (6) uses any scheme, plan, or pattern intended to cause  
13          the person to believe that, if the person did not perform  
14          the labor or services, that person or another person would  
15          suffer serious harm or physical restraint.

16          Sentence. Except as otherwise provided in subsection (e) or  
17          (f), a violation of subsection (b)(1) is a Class X felony,  
18          (b)(2) is a Class 1 felony, (b)(3) is a Class 2 felony, (b)(4)  
19          is a Class 3 felony, (b)(5) and (b)(6) is a Class 4 felony.  
20          Upon a plea of guilty, stipulation of facts, or finding of  
21          guilt resulting in a judgment of conviction for the offense of  
22          involuntary servitude, the court shall, in addition to and not  
23          in lieu of any fines, restitution, costs, forfeitures, or other  
24          assessments, impose an assessment of \$1,500, which shall be  
25          collected and distributed in accordance with the Specialized  
26          Services for Survivors of Human Trafficking Fund under Section

1 5-9-1.21 of the Unified Code of Corrections.

2 (c) Involuntary sexual servitude of a minor. A person  
3 commits involuntary sexual servitude of a minor when he or she  
4 knowingly recruits, entices, harbors, transports, provides, or  
5 obtains by any means, or attempts to recruit, entice, harbor,  
6 provide, or obtain by any means, another person under 18 years  
7 of age, knowing that the minor will engage in commercial sexual  
8 activity, a sexually-explicit performance, or the production  
9 of pornography, or causes or attempts to cause a minor to  
10 engage in one or more of those activities and:

11 (1) there is no overt force or threat and the minor is  
12 between the ages of 17 and 18 years;

13 (2) there is no overt force or threat and the minor is  
14 under the age of 17 years; or

15 (3) there is overt force or threat.

16 Sentence. Except as otherwise provided in subsection (e) or  
17 (f), a violation of subsection (c)(1) is a Class 1 felony,  
18 (c)(2) is a Class X felony, and (c)(3) is a Class X felony.  
19 Upon a plea of guilty, stipulation of facts, or finding of  
20 guilt resulting in a judgment of conviction for the offense of  
21 involuntary sexual servitude of a minor, the court shall, in  
22 addition to and not in lieu of any fines, restitution, costs,  
23 forfeitures, or other assessments, impose an assessment of  
24 \$2,000, which shall be collected and distributed in accordance  
25 with the Specialized Services for Survivors of Human  
26 Trafficking Fund under Section 5-9-1.21 of the Unified Code of

1 Corrections.

2 (d) Trafficking in persons. A person commits trafficking in  
3 persons when he or she knowingly: (1) recruits, entices,  
4 harbors, transports, provides, or obtains by any means, or  
5 attempts to recruit, entice, harbor, transport, provide, or  
6 obtain by any means, another person, intending or knowing that  
7 the person will be subjected to involuntary servitude; or (2)  
8 benefits, financially or by receiving anything of value, from  
9 participation in a venture that has engaged in an act of  
10 involuntary servitude or involuntary sexual servitude of a  
11 minor.

12 Sentence. Except as otherwise provided in subsection (e) or  
13 (f), a violation of this subsection is a Class 1 felony. Upon a  
14 plea of guilty, stipulation of facts, or finding of guilt  
15 resulting in a judgment of conviction for the offense of  
16 trafficking in persons, the court shall, in addition to and not  
17 in lieu of any fines, restitution, costs, forfeitures, or other  
18 assessments, impose an assessment of \$1,000, which shall be  
19 collected and distributed in accordance with the Specialized  
20 Services for Survivors of Human Trafficking Fund under Section  
21 5-9-1.21 of the Unified Code of Corrections.

22 (e) Aggravating factors. A violation of this Section  
23 involving kidnapping or an attempt to kidnap, aggravated  
24 criminal sexual assault or an attempt to commit aggravated  
25 criminal sexual assault, or an attempt to commit first degree  
26 murder is a Class X felony.

1 (f) Sentencing considerations.

2 (1) Bodily injury. If, pursuant to a violation of this  
3 Section, a victim suffered bodily injury, the defendant may  
4 be sentenced to an extended-term sentence under Section  
5 5-8-2 of the Unified Code of Corrections. The sentencing  
6 court must take into account the time in which the victim  
7 was held in servitude, with increased penalties for cases  
8 in which the victim was held for between 180 days and one  
9 year, and increased penalties for cases in which the victim  
10 was held for more than one year.

11 (2) Number of victims. In determining sentences within  
12 statutory maximums, the sentencing court should take into  
13 account the number of victims, and may provide for  
14 substantially increased sentences in cases involving more  
15 than 10 victims.

16 (g) Restitution. Restitution is mandatory under this  
17 Section. In addition to any other amount of loss identified,  
18 the court shall order restitution including the greater of (1)  
19 the gross income or value to the defendant of the victim's  
20 labor or services or (2) the value of the victim's labor as  
21 guaranteed under the Minimum Wage Law and overtime provisions  
22 of the Fair Labor Standards Act (FLSA) or the Minimum Wage Law,  
23 whichever is greater.

24 (h) Trafficking victim services. Subject to the  
25 availability of funds, the Department of Human Services may  
26 provide or fund emergency services and assistance to

1 individuals who are victims of one or more offenses defined in  
2 this Section.

3 (i) Certification. The Attorney General, a State's  
4 Attorney, or any law enforcement official shall certify in  
5 writing to the United States Department of Justice or other  
6 federal agency, such as the United States Department of  
7 Homeland Security, that an investigation or prosecution under  
8 this Section has begun and the individual who is a likely  
9 victim of a crime described in this Section is willing to  
10 cooperate or is cooperating with the investigation to enable  
11 the individual, if eligible under federal law, to qualify for  
12 an appropriate special immigrant visa and to access available  
13 federal benefits. Cooperation with law enforcement shall not be  
14 required of victims of a crime described in this Section who  
15 are under 18 years of age. This certification shall be made  
16 available to the victim and his or her designated legal  
17 representative.

18 (j) A person who commits involuntary servitude,  
19 involuntary sexual servitude of a minor, or trafficking in  
20 persons under subsection (b), (c), or (d) of this Section is  
21 subject to the property forfeiture provisions set forth in  
22 Article 124B of the Code of Criminal Procedure of 1963.

23 (Source: P.A. 96-710, eff. 1-1-10; incorporates 96-712, eff.  
24 1-1-10; 96-1000, eff. 7-2-10; 97-897, eff. 1-1-13; revised  
25 11-12-13.)

1 (720 ILCS 5/11-14.1)

2 Sec. 11-14.1. Solicitation of a sexual act.

3 (a) Any person who offers a person not his or her spouse  
4 any money, property, token, object, or article or anything of  
5 value for that person or any other person not his or her spouse  
6 to perform any act of sexual penetration as defined in Section  
7 11-0.1 of this Code, or any touching or fondling of the sex  
8 organs of one person by another person for the purpose of  
9 sexual arousal or gratification, commits solicitation of a  
10 sexual act.

11 (b) Sentence. Solicitation of a sexual act is a Class A  
12 misdemeanor. Upon a plea of guilty, stipulation of facts, or  
13 finding of guilt resulting in a judgment of conviction for the  
14 offense of solicitation of a sexual act, the court shall, in  
15 addition to and not in lieu of any fines, restitution, costs,  
16 forfeitures, or other assessments, impose an assessment of  
17 \$500, which shall be collected and distributed in accordance  
18 with the Specialized Services for Survivors of Human  
19 Trafficking Fund under Section 5-9-1.21 of the Unified Code of  
20 Corrections. Solicitation of a sexual act from a person who is  
21 under the age of 18 or who is severely or profoundly  
22 intellectually disabled is a Class 4 felony. Upon a plea of  
23 guilty, stipulation of facts, or finding of guilt resulting in  
24 a judgment of conviction for the offense of solicitation of a  
25 sexual act from a person who is under the age of 18 or who is  
26 severely or profoundly intellectually disabled, the court

1 shall, in addition to and not in lieu of any fines,  
2 restitution, costs, forfeitures, or other assessments, impose  
3 an assessment of \$1,000, which shall be collected and  
4 distributed in accordance with the Specialized Services for  
5 Survivors of Human Trafficking Fund under Section 5-9-1.21 of  
6 the Unified Code of Corrections.

7 (b-5) It is an affirmative defense to a charge of  
8 solicitation of a sexual act with a person who is under the age  
9 of 18 or who is severely or profoundly intellectually disabled  
10 that the accused reasonably believed the person was of the age  
11 of 18 years or over or was not a severely or profoundly  
12 intellectually disabled person at the time of the act giving  
13 rise to the charge.

14 (c) This Section does not apply to a person engaged in  
15 prostitution who is under 18 years of age. A person cannot be  
16 convicted of solicitation under this Section if the practice of  
17 prostitution underlying the offense consists exclusively of  
18 the accused's own acts of prostitution under Section 11-14 of  
19 this Code.

20 (Source: P.A. 96-1464, eff. 8-20-10; 96-1551, eff. 7-1-11;  
21 97-227, eff. 1-1-12; 97-1109, eff. 1-1-13.)

22 (720 ILCS 5/11-14.3)

23 Sec. 11-14.3. Promoting prostitution.

24 (a) Any person who knowingly performs any of the following  
25 acts commits promoting prostitution:

1 (1) advances prostitution as defined in Section  
2 11-0.1;

3 (2) profits from prostitution by:

4 (A) compelling a person to become a prostitute;

5 (B) arranging or offering to arrange a situation in  
6 which a person may practice prostitution; or

7 (C) any means other than those described in  
8 subparagraph (A) or (B), including from a person who  
9 patronizes a prostitute. This paragraph (C) does not  
10 apply to a person engaged in prostitution who is under  
11 18 years of age. A person cannot be convicted of  
12 promoting prostitution under this paragraph (C) if the  
13 practice of prostitution underlying the offense  
14 consists exclusively of the accused's own acts of  
15 prostitution under Section 11-14 of this Code.

16 (b) Sentence.

17 (1) A violation of subdivision (a)(1) is a Class 4  
18 felony, unless committed within 1,000 feet of real property  
19 comprising a school, in which case it is a Class 3 felony.  
20 A second or subsequent violation of subdivision (a)(1), or  
21 any combination of convictions under subdivision (a)(1),  
22 (a)(2)(A), or (a)(2)(B) and Section 11-14 (prostitution),  
23 11-14.1 (solicitation of a sexual act), 11-14.4 (promoting  
24 juvenile prostitution), 11-15 (soliciting for a  
25 prostitute), 11-15.1 (soliciting for a juvenile  
26 prostitute), 11-16 (pandering), 11-17 (keeping a place of

1 prostitution), 11-17.1 (keeping a place of juvenile  
2 prostitution), 11-18 (patronizing a prostitute), 11-18.1  
3 (patronizing a juvenile prostitute), 11-19 (pimping),  
4 11-19.1 (juvenile pimping or aggravated juvenile pimping),  
5 or 11-19.2 (exploitation of a child), is a Class 3 felony.

6 (2) A violation of subdivision (a) (2) (A) or (a) (2) (B)  
7 is a Class 4 felony, unless committed within 1,000 feet of  
8 real property comprising a school, in which case it is a  
9 Class 3 felony.

10 (3) A violation of subdivision (a) (2) (C) is a Class 4  
11 felony, unless committed within 1,000 feet of real property  
12 comprising a school, in which case it is a Class 3 felony.  
13 A second or subsequent violation of subdivision (a) (2) (C),  
14 or any combination of convictions under subdivision  
15 (a) (2) (C) and subdivision (a) (1), (a) (2) (A), or (a) (2) (B)  
16 of this Section (promoting prostitution), 11-14  
17 (prostitution), 11-14.1 (solicitation of a sexual act),  
18 11-14.4 (promoting juvenile prostitution), 11-15  
19 (soliciting for a prostitute), 11-15.1 (soliciting for a  
20 juvenile prostitute), 11-16 (pandering), 11-17 (keeping a  
21 place of prostitution), 11-17.1 (keeping a place of  
22 juvenile prostitution), 11-18 (patronizing a prostitute),  
23 11-18.1 (patronizing a juvenile prostitute), 11-19  
24 (pimping), 11-19.1 (juvenile pimping or aggravated  
25 juvenile pimping), or 11-19.2 (exploitation of a child), is  
26 a Class 3 felony.

1           (4) Upon a plea of guilty, stipulation of facts or  
2           finding of guilt resulting in a judgment of conviction for  
3           the offense of promoting prostitution, the court shall, in  
4           addition to and not in lieu of any fines, restitution,  
5           costs, forfeitures, or other assessments, impose an  
6           assessment of \$1,500, which shall be collected and  
7           distributed in accordance with the Specialized Services  
8           for Survivors of Human Trafficking Fund under Section  
9           5-9-1.21 of the Unified Code of Corrections.

10       (Source: P.A. 96-1551, eff. 7-1-11.)

11           (720 ILCS 5/11-18) (from Ch. 38, par. 11-18)

12           Sec. 11-18. Patronizing a prostitute.

13           (a) Any person who knowingly performs any of the following  
14 acts with a person not his or her spouse commits patronizing a  
15 prostitute:

16           (1) Engages in an act of sexual penetration as defined  
17 in Section 11-0.1 of this Code with a prostitute; or

18           (2) Enters or remains in a place of prostitution with  
19 intent to engage in an act of sexual penetration as defined  
20 in Section 11-0.1 of this Code; or

21           (3) Engages in any touching or fondling with a  
22 prostitute of the sex organs of one person by the other  
23 person, with the intent to achieve sexual arousal or  
24 gratification.

25           (b) Sentence.

1           (1) Patronizing a prostitute is a Class 4 felony,  
2 unless committed within 1,000 feet of real property  
3 comprising a school, in which case it is a Class 3 felony.  
4 A person convicted of a second or subsequent violation of  
5 this Section, or of any combination of such number of  
6 convictions under this Section and Sections 11-14  
7 (prostitution), 11-14.1 (solicitation of a sexual act),  
8 11-14.3 (promoting prostitution), 11-14.4 (promoting  
9 juvenile prostitution), 11-15 (soliciting for a  
10 prostitute), 11-15.1 (soliciting for a juvenile  
11 prostitute), 11-16 (pandering), 11-17 (keeping a place of  
12 prostitution), 11-17.1 (keeping a place of juvenile  
13 prostitution), 11-18.1 (patronizing a juvenile  
14 prostitute), 11-19 (pimping), 11-19.1 (juvenile pimping or  
15 aggravated juvenile pimping), or 11-19.2 (exploitation of  
16 a child) of this Code, is guilty of a Class 3 felony.

17           (2) Upon a plea of guilty, stipulation of facts or  
18 finding of guilt resulting in a judgment of conviction for  
19 the offense of patronizing a prostitute, the court shall,  
20 in addition to and not in lieu of any fines, restitution,  
21 costs, forfeitures, or other assessments, impose an  
22 assessment of \$1,500, which shall be collected and  
23 distributed in accordance with the Specialized Services  
24 for Survivors of Human Trafficking Fund under Section  
25 5-9-1.21 of the Unified Code of Corrections.

26 (c) (Blank).

1 (Source: P.A. 96-1464, eff. 8-20-10; 96-1551, eff. 7-1-11.)

2 (720 ILCS 5/36.5-5)

3 Sec. 36.5-5. Vehicle impoundment.

4 (a) In addition to any other penalty, fee or forfeiture  
5 provided by law, a peace officer who arrests a person for a  
6 violation of Section 10-9, 11-14, 11-14.1, 11-14.3, 11-14.4,  
7 11-18, or 11-18.1 of this Code or related municipal ordinance,  
8 may tow and impound any vehicle used by the person in the  
9 commission of the violation. The person arrested for one or  
10 more such violations shall be charged a \$1,000 fee, to be paid  
11 to the law enforcement agency that made the arrest or its  
12 designated representative. The person may recover the vehicle  
13 from the impound after a minimum of 2 hours after arrest upon  
14 payment of the fee.

15 (b) \$500 of the fee shall be distributed to the law  
16 enforcement agency whose peace officers made the arrest, for  
17 the costs incurred by the law enforcement agency to investigate  
18 and to tow and impound the vehicle. Upon the defendant's  
19 conviction of one or more of the violations in connection with  
20 which the vehicle was impounded and the fee imposed under this  
21 Section, the remaining \$500 of the fee shall be deposited into  
22 the Specialized Services for Survivors of Human Trafficking  
23 Fund and disbursed in accordance with subsections (d), (e), and  
24 (f) of Section 5-9-1.21 of the Unified Code of Corrections ~~DHS~~  
25 ~~State Projects Fund and shall be used by the Department of~~

1 ~~Human Services to make grants to non-governmental~~  
2 ~~organizations to provide services for persons encountered~~  
3 ~~during the course of an investigation into any violation of~~  
4 ~~Section 10-9, 11-14, 11-14.1, 11-14.3, 11-14.4, 11-15,~~  
5 ~~11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19,~~  
6 ~~11-19.1, or 11-19.2 of this Code, provided such persons~~  
7 ~~constitute prostituted persons or other victims of human~~  
8 ~~trafficking.~~

9 (c) Upon the presentation by the defendant of a signed  
10 court order showing that the defendant has been acquitted of  
11 all of the violations in connection with which a vehicle was  
12 impounded and a fee imposed under this Section, or that the  
13 charges against the defendant for those violations have been  
14 dismissed, the law enforcement agency shall refund the \$1,000  
15 fee to the defendant.

16 (Source: P.A. 96-1551, eff. 7-1-11; incorporates 96-1503, eff.  
17 1-27-11, and 97-333, eff. 8-12-11; 97-897, eff. 1-1-13;  
18 97-1109, eff. 1-1-13; 98-463, eff. 8-16-13.)

19 Section 20. The Code of Criminal Procedure of 1963 is  
20 amended by changing Sections 124B-300 and 124B-305 as follows:

21 (725 ILCS 5/124B-300)

22 Sec. 124B-300. Persons and property subject to forfeiture.  
23 A person who commits the offense of involuntary servitude,  
24 involuntary servitude of a minor, or trafficking of persons for

1 forced labor or services under Section 10A-10 or Section 10-9  
2 of the Criminal Code of 1961 or the Criminal Code of 2012, or  
3 promoting prostitution that involves keeping a place of  
4 prostitution under Section 11-14.3 of the Criminal Code of 2012  
5 shall forfeit to the State of Illinois any profits or proceeds  
6 and any property he or she has acquired or maintained in  
7 violation of Section 10A-10 or Section 10-9 of the Criminal  
8 Code of 1961 or the Criminal Code of 2012, or promoting  
9 prostitution that involves keeping a place of prostitution  
10 under Section 11-14.3 of the Criminal Code of 2012 that the  
11 sentencing court determines, after a forfeiture hearing under  
12 this Article, to have been acquired or maintained as a result  
13 of maintaining a person in involuntary servitude or  
14 participating in trafficking of persons for forced labor or  
15 services.

16 (Source: P.A. 96-712, eff. 1-1-10; 97-1150, eff. 1-25-13.)

17 (725 ILCS 5/124B-305)

18 Sec. 124B-305. Distribution of property and sale proceeds.  
19 All moneys and the sale proceeds of all other property  
20 forfeited and seized under this Part 300 shall be distributed  
21 as follows:

22 (1) 45% ~~50%~~ shall be divided equally between all State  
23 agencies and units of local government whose officers or  
24 employees conducted the investigation or initiated the  
25 hearing that resulted in the forfeiture.

1           (2) 50% shall be deposited into the Specialized  
2           Services for Survivors of Human Trafficking Fund and  
3           disbursed in accordance with subsections (d), (e), and (f)  
4           of Section 5-9-1.21 of the Unified Code of Corrections ~~DHS~~  
5           ~~State Projects Fund and targeted to services for victims of~~  
6           ~~the offenses of involuntary servitude, involuntary sexual~~  
7           ~~servitude of a minor, and trafficking in persons.~~

8           (3) 5% shall be paid to the Illinois State's Attorneys'  
9           Appellate Prosecutor to train State's Attorneys on  
10           forfeiture proceedings and topics related to human  
11           trafficking.

12           (Source: P.A. 96-712, eff. 1-1-10; 97-897, eff. 1-1-13.)

13           Section 25. The Unified Code of Corrections is amended by  
14           adding Section 5-9-1.21 as follows:

15           (730 ILCS 5/5-9-1.21 new)

16           Sec. 5-9-1.21. Specialized Services for Survivors of Human  
17           Trafficking Fund.

18           (a) There is created in the State treasury a Specialized  
19           Services for Survivors of Human Trafficking Fund. Moneys  
20           deposited into the Fund under this Section shall be available  
21           for the Department of Human Services for the purposes in this  
22           Section.

23           (b) Each plea of guilty, stipulation of facts, or finding  
24           of guilt for an offense under Section 10-9, 11-14.1, 11-14.3,

1 or 11-18 of the Criminal Code of 2012 shall have an assessment  
2 imposed as provided in those Sections.

3 (c) The assessment shall be collected by the circuit court  
4 clerk in addition to any other imposed fee. The circuit court  
5 clerk shall retain \$50 to cover the costs in administering and  
6 enforcing this Section. The circuit court clerk shall remit the  
7 remainder of each assessment within one month of its receipt to  
8 the State Treasurer, for deposit as follows:

9 (1) \$300 shall be distributed equally between all State  
10 law enforcement agencies whose officers or employees  
11 conducted the investigation or prosecution that resulted  
12 in the finding of guilt; and

13 (2) the remainder of the assessment shall be deposited  
14 into the Specialized Services for Survivors of Human  
15 Trafficking Fund.

16 (d) Upon appropriation of moneys from the Specialized  
17 Services for Survivors of Human Trafficking Fund, the  
18 Department of Human Services shall use these moneys to make  
19 grants to non-governmental organizations to provide  
20 specialized, trauma-informed services specifically designed to  
21 address the priority service needs associated with  
22 prostitution and human trafficking. Priority services include,  
23 but are not limited to, community based drop-in centers,  
24 emergency housing, and long-term safe homes. The Department  
25 shall consult with prostitution and human trafficking  
26 advocates, survivors, and service providers to identify

1 priority service needs in their respective communities.

2 (e) Grants made under this Section are in addition to, and  
3 not substitutes for, other grants authorized and made by the  
4 Department.

5 (f) Notwithstanding any other law to the contrary, the  
6 Specialized Services for Survivors of Human Trafficking Fund is  
7 not subject to sweeps, administrative charge-backs, or any  
8 other fiscal maneuver that would in any way transfer any  
9 amounts from the Specialized Services for Survivors of Human  
10 Trafficking Fund into any other fund of the State.